

**Washington County – Beaverton
Urban Planning Area Agreement**

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF BEAVERTON, an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY.”

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-63, and the CITY through Resolution No. 3985, agreed that future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the state legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and the CITY; and

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes to the UGB, the CITY’s Urban Planning Area, and the need for urban planning of the new Urban Reserve lands; and

WHEREAS, the CITY and COUNTY entered into an Intergovernmental Agreement in 2013 in which the COUNTY agreed to assign concept planning to the CITY for the South Cooper Mountain Concept Plan area; and

WHEREAS, the COUNTY acknowledged the South Cooper Mountain Concept Plan through Resolution and Order No. 15-4 and the CITY acknowledged the South Cooper Mountain Concept Plan through Resolution No. 4290; and

WHEREAS, the CITY and COUNTY have entered into an intergovernmental agreement for transportation planning in the proposed UGB expansion area, also known as the Cooper Mountain Urban Reserve, acknowledged by the COUNTY through Minute Order No. 18-147 and the CITY through Resolution No. 4501; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. An Urban Planning Area Agreement incorporating a site-specific Urban Planning Area within the UGB where both the COUNTY and the CITY maintain an interest in comprehensive planning and development, and an Urban Reserve Planning Area (URPA) outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area and future concept planning in the URPA;
3. Special policies regarding comprehensive planning and development in the Urban Planning Area and future concept planning in the URPA; and
4. A process to amend the Urban Planning Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and URPA mutually defined by the COUNTY and the CITY include the areas designated on the Washington County - Beaverton UPAA “Exhibit A” to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan, as defined by ORS 197.015(5), means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. For purposes of this Agreement, “Comprehensive Plan” amendments do not include quasi-judicial comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance adopted under ORS 197, 215, or 227, a land division ordinance adopted under ORS 92.044 or 92.046, or a similar general ordinance establishing standards for implementing a comprehensive plan.

Notify means to provide notice through first class mail or electronic communication.

2. The COUNTY shall provide the CITY with a reasonable opportunity to participate, review and comment on proposed amendments to the COUNTY comprehensive plan or adoption of implementing regulations. The CITY shall provide the COUNTY with a reasonable opportunity to participate, review and comment on proposed amendments to the CITY comprehensive plan or adoption of implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than 35 calendar days prior to the final hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall provide the responding agency with reasonable opportunity to participate in the originating agency's planning process prior to the notification period, through means such as service on the originating agency's advisory committee, if any.
 - b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency's land use or transportation system, the originating agency shall transmit the draft amendments to the responding agency for its review and comment before finalizing. The responding agency shall have 10 calendar days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
 - c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) explaining by letter to the responding agency why it has chosen not to make revisions in the final draft.
 - d. Comments by the responding agency and any response to them by the originating agency shall be included in the public record of the proposed action. If the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government for which state law requires mail notification to the owners of property that could be affected (usually specified as a distance measured in feet) by a proposed development. Such actions may include, but not be limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, land divisions, planned unit developments, variances, and other similar actions that require a quasi-judicial hearings process.

- 2. The COUNTY and CITY agree that COUNTY and CITY staff will jointly develop a process for additional coordination on certain potential developments that would be subject to notice requirements in unincorporated Washington County near the CITY boundary. The intent of this process is to ensure applicants and potential applicants receive timely and relevant information, such as service provision options and/or requirements; annexation availability; and applicable development rules in each jurisdiction.
 - a. CITY and COUNTY shall agree on the area where additional coordination is required. Such area must be within the Urban Planning Area defined in this Agreement and include at least the area within one quarter mile (1,320 feet) of the CITY boundary;
 - b. The COUNTY and CITY shall agree on land use decisions to which the additional coordination would apply, and the COUNTY shall maintain this list of land use decisions. The list should include applications under COUNTY jurisdiction requiring notice that would result in additional developable lots or structures; and
 - c. The COUNTY and CITY shall also agree on how this process would be implemented, with the intent that coordination occurs early in the process (such as before a pre-application conference or application submittal), provides the CITY an opportunity to communicate with the potential applicant, and is consistent with the intent of additional coordination.
- 3. The COUNTY will provide the CITY with the opportunity to review and comment on proposed Development Actions Requiring Notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed Development Actions Requiring Notice within the CITY limits

that may have an effect on unincorporated portions of the designated Urban Planning Area.

4. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed Development Actions Requiring Notice:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or through electronic communication a copy of the public hearing notice or comment period notice when no public hearing is required that identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than 10 calendar days prior to the date of the scheduled public hearing or end of the comment period. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.
 - c. If received prior to the deadline established by the local code for the receipt of written testimony, the originating agency shall include or attach the comments to the written staff report and respond to any concerns raised by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be included in the public record on the proposed action. If the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Notification Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions with the potential to affect the responding agency’s land use or transportation system, but are not subject to the notification and participation requirements contained in subsections A and B above.
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or electronic communication a copy of all public hearings agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three calendar days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not

invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered “no objection” to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
 - a. Future expansion of the UGB over a long-term period (40-50 years), and
 - b. The cost-effective provision of public facilities and services when the lands are included within the UGB.
2. Urban Reserve Planning Area (URPA) means those Urban Reserve areas identified for annexation and urbanization by the CITY at such time as the UGB is amended to include the areas.
3. Urban Reserve - Planning Responsibility Undefined means those Urban Reserve areas that the CITY and at least one other city may have an interest in ultimately annexing and urbanizing, but for which no final agreement has been reached. These areas are not considered part of the URPA for purposes of this Agreement.

B. The CITY’s URPA and the Urban Reserve - Planning Responsibility Undefined are identified on “Exhibit A” to this Agreement.

C. The CITY shall be responsible for developing a concept plan in consultation with the COUNTY for URPAs in coordination with Metro and appropriate service districts. The concept plan shall include the following:

1. An agreement between the COUNTY and CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY, and access management for county roads in the URPA. The agreement should describe any

changes to the CITY and/or COUNTY Transportation System Plans, other Comprehensive Plan documents, or codes that have been adopted or will be necessary to implement this Agreement.

2. An agreement between the COUNTY and CITY that preliminarily identifies the likely providers of urban services, as defined in ORS 195.065 (4), when the area is urbanized.
- D. The concept plan shall be approved by the CITY and acknowledged by the COUNTY.
- E. Upon completion and acknowledgement of the concept plan by the CITY and COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the URPA shall be designated as part of the Urban Planning Area, as described above. Inclusion in the Urban Planning Area is automatic and does not require an amendment to this Agreement.

IV. Comprehensive Planning and Development Responsibilities for Urban Areas

- A. The CITY and COUNTY will implement any applicable Urban Reserve Concept Plan and related agreements. The CITY will amend the CITY Comprehensive Plan to include this area consistent with the concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding.
- B. The CITY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the Urban Planning Area in coordination with other service providers that provide urban services within the CITY's Urban Planning Area.

V. Annexations

- A. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon the process in B, below.
- B. Upon annexation, the CITY shall initiate changes to the Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the COUNTY. The CITY shall maintain a list of COUNTY land use designations and the corresponding CITY comprehensive plan and zoning designations. If a property is subject to a concept, neighborhood, or community plan adopted by the CITY, the CITY shall apply the applicable CITY comprehensive plan and zoning designations to the property upon annexation. In addition, the COUNTY shall advise the CITY of adopted policies that apply to the annexed areas.
- C. The CITY shall notify the COUNTY of proposed annexations once initiated, but in no case less than 35 calendar days prior to the first hearing on the matter.

- D. When partially completed developments such as residential subdivisions, apartment complexes, industrial parks, retail or office center, etc. are annexed to the CITY after receiving development approval from the COUNTY, the CITY may, at its discretion, continue to apply the COUNTY's development standards relating to setbacks, lot sizes, lot coverage and heights for buildings and accessory structures for any new construction taking place after annexation.
- E. Upon annexation, the CITY and COUNTY desire to transfer COUNTY services to the CITY, when applicable, in an orderly and efficient manner so that service provision to residents and businesses will not be interrupted or diminished. To assure an orderly and efficient transfer of services to the CITY:
 - 1. The COUNTY and CITY will coordinate on a long-term annexation strategy;
 - 2. The COUNTY shall withdraw annexed areas from any/all COUNTY service districts, unless otherwise agreed upon in an urban service agreement or intergovernmental agreement; and
 - 3. The COUNTY shall transfer the records to the CITY for each annexed property related to land use and development decisions in a format acceptable to both parties.
- F. Nothing in this Agreement constitutes blanket consent by the COUNTY of CITY annexations, including annexation of COUNTY roads. The COUNTY supports rational, logical and orderly annexations by the CITY of areas within the CITY'S Urban Planning Area.
- G. The COUNTY consents to annexations by the CITY of unincorporated properties, including County roads, within Annexation Area A shown in "Exhibit B" to this Agreement, except for roads designated as COUNTY long-term jurisdiction in the County's Transportation System Plan (TSP). The boundary of Annexation Area A is 500 feet from the outer extent of the CITY boundary on the date of this Agreement, except where shown as greater than 500 feet in "Exhibit B." For areas outside Annexation Area A in "Exhibit B," and for roads designated as COUNTY long-term jurisdiction in the County's TSP, the COUNTY will determine whether it consents to annexation on a case-by-case basis.

VI. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this Agreement or the Urban Planning Area boundary:
 - 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency. In addition, the CITY or the COUNTY shall send a copy of the Request for Amendment to affected Community Participation Organizations (CPOs).

2. The formal request shall contain the following:

- a. A statement describing the amendment.
- b. A statement of findings indicating why the proposed amendment is necessary.
- c. If the request is to amend the Urban Planning Area boundary, a map which clearly indicates the proposed change and surrounding area.

3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 calendar days of the date the request is received.

4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this Agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:

- a. The CITY and the COUNTY shall agree to initiate a joint study. Such a study shall commence within 30 calendar days of the date it is determined that a proposed amendment creates a disagreement, and shall be completed within 90 calendar days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
- b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

B. The parties may jointly review this Agreement as needed to evaluate the effectiveness of the processes set forth herein and to make any amendments. Both parties shall make a good faith effort to resolve inconsistencies that may have developed since the previous review.

VII. This Agreement shall become effective upon full execution by the COUNTY and CITY and shall repeal and replace the Urban Planning Area Agreement dated October 25, 1988. The effective date of this Agreement shall be the last date of the signature on the signature page.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF BEAVERTON

By Denny Doyle
Mayor

Date 3-21

Approved as to Form:

By Peter Livingston
City Recorder Attorney

Date 3-13-19

WASHINGTON COUNTY

By Andy Oude
Chair, Board of Commissioners

Date 12-10-18

Approved as to Form:

By Jagade Rao
County Counsel

Date 11/5/18

By Barbara Hejmanek
Recording Secretary

Date 12-10-18

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

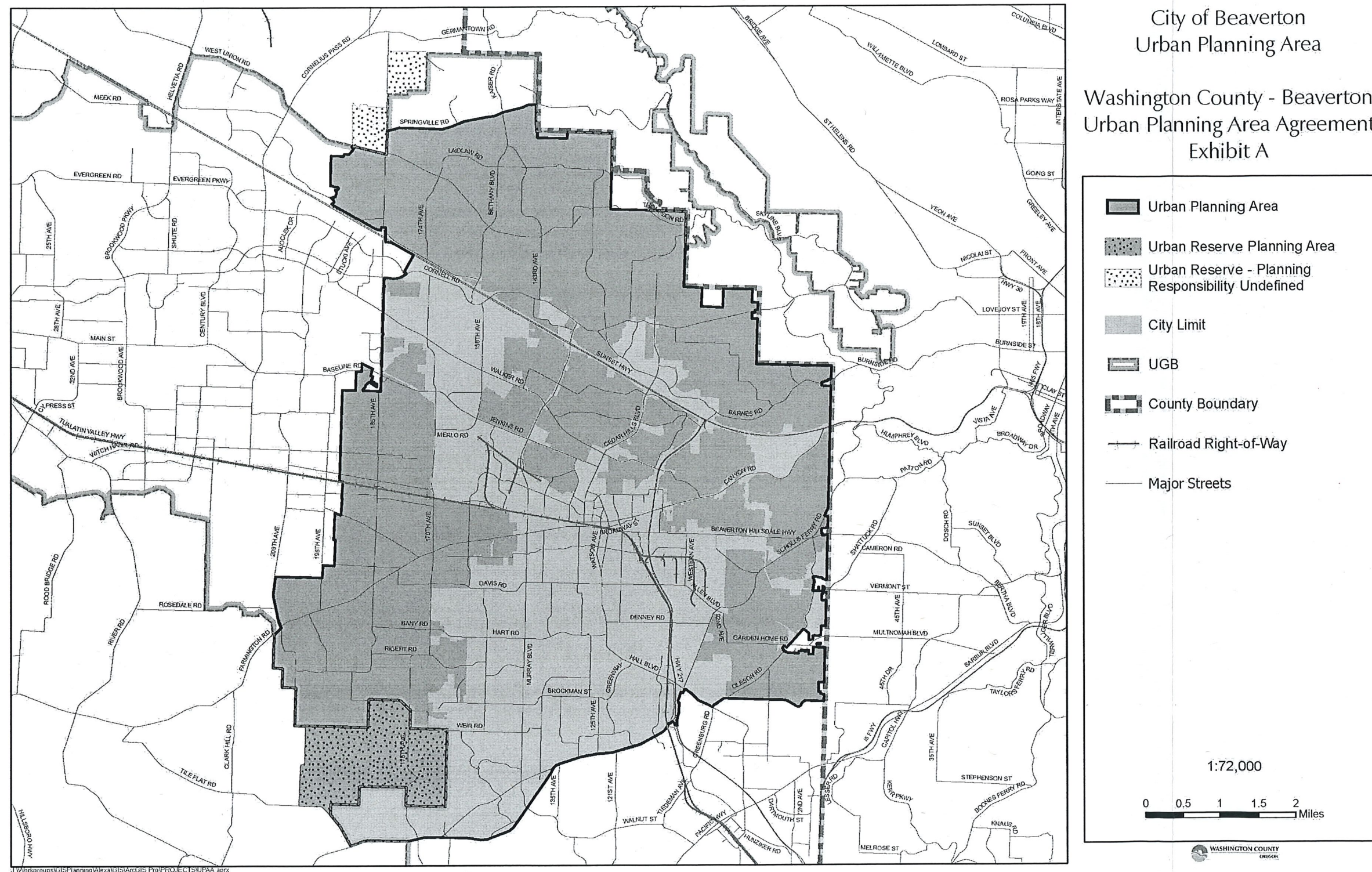
MINUTE ORDER # RO 18-104

DATE 10-23-18

BY Barbara Hejmanek
CLERK OF THE BOARD

City of Beaverton
Urban Planning Area

Washington County - Beaverton
Urban Planning Area Agreement
Exhibit A



Washington County - Beaverton
Urban Planning Area Agreement
Exhibit B

